S.B. CIVIL WRIT PETITION NO.3346/2002
Ram Lal Vs. State of Rajasthan & ors.

Date : 11.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. A.K. Rajvanshy, for the petitioner.
Mrs. R.R. Kanwar, Addl. GA, for the respondents.

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Heard learned counsel for the parties.

Brief facts of the case are that the land in question measuring 2.378 hectares was allotted to the petitioner vide order dated 27.12.1982 (Annex.1). The Additional Collector (Vigilance), Sri Ganganagar, on receipt of a complaint from the local persons, vide order dated 3.8.1985 ordered enquiry to find out whether the allotment was rightly made or not. After finding some substance in the complaint, proceedings under Section 14(4) of the Rajasthan Land Revenue (Allotment of land for agriculture purposes) Rules, 1970 (for short “the Rules of 1970”) were initiated against the petitioner. Vide order dated 19.6.1995, the Additional Collector cancelled the allotment of land after holding that the petitioner is possessing ancestral land measuring 21.473 hectares, therefore, by adding the allotted land, the total land in share of the petitioner shal exceed from 75 bighas which is not permissible under Rule 12 of the Rules of 1970. It is also stated that the

petitioner was in service, therefore, the allotment was wrong. Against the order dated 19.6.1995, the petitioner preferred an appeal before the Revenue Appellate Authority but that was dismissed on 27.12.2000. The petitioner preferred revision petition against these two orders but the revision petition was also dismissed by the Board of Revenue vide order dated 10.1.2002 only on the ground of delay holding that the petitioner could not explain sufficient cause for filing appeal after a delay of two years.

Learned counsel for petitioner submitted that in fact, the delay was not of two years but it was only of one year and 7 days. It is also submitted that the petitioner placed on record the documents showing that the ancestral land of the petitioner is in share with two other persons as recorded in revenue record.

According to learned counsel for the petitioner, if the actual land in the share of the petitioner is calculated, the land even after adding the allotted land will be less than 75 bighas, therefore, the petitioner, who was allotted the land in the year 1982, cannot be denied the benefit of allotment order in the year 1995. It is also submitted that the allotment of land at the relevant time to a person in service was not prohibited. Since the petitioner placed on record indicating that the land, which was taken into account as of the petitioner, is ancestral land and the Additional Collector in his order dated 19.6.1995 also mentioned that the petitioner is possessing 21.473 hectares

of ancestral land but did not determine the exact share of the petitioner in the land, therefore, the matter requires investigation of factual aspect. The Board of Revenue has not looked into all these facts and dismissed the revision petition only on the ground of delay despite the fact that no specific period has been given limiting the right to prefer revision petition in the Act.

In view of the above, this writ petition is allowed, the orders dated 19.6.1995 (Annex.12), 27.12.2000 (Annex.13) and 10.1.2002 (Annex.14) passed by Additional Collector, Sri Ganganagar ; Revenue Appellate Authority, Sri Ganganagar and Board of Revenue respectively are set aside. The matter is remanded back to Additional Collector (Vigilance), Sri Ganganagar to decide the proceedings afresh after giving opportunity of hearing to the parties and after carefully determining the share of the petitioner in his ancestral land. The petitioner shall appear before the Additional Collector and submit the certified copy of this order within a period of one month from today. The Additional Collector shall decided the matter within a period of four months thereafter.

(PRAKASH TATIA), J.

S.Phophaliya